

06-01-01

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05/31/01
1046 U.S. PTO
09/871053

Practitioner's Docket No. 65807-0054

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Commissioner for Patents
Washington, D.C. 20231

1046 U.S. PTO
09/871053
05/31/01

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of
Inventor(s): **William M. Richardson**

For (title): **METHOD AND SYSTEM FOR COMPUTER NETWORK LINK
WITH UNDEFINED TERMINATION CONDITION**

1. Type of Application

This new application is for a(n)

- ☐ Original (nonprovisional)
- ☐ Design
- ☐ Plant
- ☐ Divisional.
- ☒ Continuation.
- ☐ Continuation-in-part (C-I-P).

CERTIFICATION UNDER 37 C.F.R. 1.10*

(Express Mail label number is **mandatory**.)

(Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date **May 31, 2001**, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number **EL 781400711 US**, addressed to the: Box Patent Application, Commissioner for Patents, Washington, D.C. 20231.

Wendy Balabon

(type or print name of person mailing paper)

Wendy Balabon
Signature of person mailing paper

2. **Benefit of Prior U.S. Application(s)** (35 U.S.C. 119(e), 120, or 121)

- ☒ The new application being transmitted claims the benefit of prior U.S. application(s).
Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE
BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

3. **Papers Enclosed**

A. **Required for Filing Date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application**

15 Pages of Specification

3 Pages of Claims

11 Sheets of Drawing

☐

Formal

☒

Informal

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. § 1.84(b).

B. **Other Papers Enclosed**

05 Pages of copy of declaration and power of attorney

01 Pages of Abstract

 Other

4. **Additional Papers Enclosed**

- ☐ Amendment to claims
- ☐ Cancel in this applications claim _ before calculating the filing fee.
- ☐ Add new claims ____ shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
- ☒ Preliminary Amendment
- ☐ Information Disclosure Statement (37 C.F.R. § 1.98)
- ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☒ Other – **Formal Drawings**

5. Declaration or Oath (including power of attorney)

- ☒ Enclosed
Executed by
☒ inventor(s). [Filed in parent application, U.S. App. No. 09/401,674. (Copy is attached)].
☐ legal representative of inventor(s). 37 C.F.R. § 1.42 or 1.43.
☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
☐ This is the petition required by 37 C.F.R. § 1.47 and the statement required by 37 C.F.R. § 1.47 is also attached. See item 13 below for fee.
- ☐ Not Enclosed.
☐ Application is made by a person authorized under 37 C.F.R. 1.41(c) on behalf of *all* the above named inventor(s).
☐ Showing that the filing is authorized.
(not required unless called into question. 37 C.F.R. § 1.41(d))

6. Inventorship Statement

The inventorship for all the claims in this application are:

- ☐ The same.
- or**
- ☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
☐ is submitted.
☐ will be submitted.

7. Language

- ☒ English
☐ Non-English
☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. § 1.52(d).

8. Assignment

- ☐ Copy of Assignment of the invention from **BIG T-1 Company**, to **Vigilant Networks LLC.**, as filed in the parent application
☐ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or [] FORM PTO 1595 is also attached.
☐ will follow.

9. **Certified Copy**

Certified copy(ies) of application(s)

country	appln. no.	filed
country	appln. no.	filed
country	appln. no.	filed

from which priority is claimed
☐ is (are) attached.
☐ will follow.

10. **Fee Calculation** (37 C.F.R. § 1.16)

A. <input checked="" type="checkbox"/> Continuation application			
CLAIMS AS FILED			
Number Filed	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$ 710.00
Total Claims (37 CFR 1.16(c))	25 - 20 = 5	X \$ 018.00	90.00
Independent Claims (37 CFR 1.16(b))	03 - 3 = 0	X \$ 80.00	0.00
Multiple dependent claims, if any, (37 CFR 1.16(d))		X \$ 270.00	

- ☒ Preliminary Amendment is enclosed.
☐ Amendment deleting multiple-dependencies is enclosed.
☐ Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ 800.00

- B. ☐ Design application
(\$320.00—37 C.F.R. § 1.16(f))

Filing Fee Calculation \$ _____

- C. ☐ Plant application
(\$490.00—37 C.F.R. § 1.16(g))

Filing Fee Calculation \$ _____

11. **Small Entity Statement(s)**

- ☐ Applicant hereby claims small entity status.
- ☐ Statement(s) that this is a filing by a small entity under 37 C.F.R. §§ 1.9 and 1.27 is (are) attached.
- ☐ Status as a small entity was claimed in prior application _____, filed on _____ from which benefit is being claimed for this application under:
35 U.S.C. § ☐ 119(e),
☐ 120,
☐ 121,
☐ 365(c),
and which status as a small entity is still proper and desired.
- ☐ A copy of the statement in the prior application is included.
- Filing Fee Calculation (50% of A, B or C above) \$ _____

12. **Request for International-Type Search** (37 C.F.R. § 1.104(d))

- ☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. **Fee Payment Being Made at This Time**

- ☐ Not Enclosed
- ☐ No filing fee is to be paid at this time.
(This and the surcharge required by 37 C.F.R. § 1.16(e) can be paid subsequently.)
- ☒ Enclosed
- | | |
|---|------------------|
| <input checked="" type="checkbox"/> Filing fee | \$ <u>800.00</u> |
| <input type="checkbox"/> Recording assignment (\$40.00; 37 C.F.R. § 1.21(h))
(See attached "COVER SHEET FOR
ASSIGNMENT ACCOMPANYING NEW
APPLICATION.") | \$ _____ |
| <input type="checkbox"/> Petition fee for filing by other than all the inventors
or person on behalf of the inventor where inventor
refused to sign or cannot be reached
(\$130.00; 37 C.F.R. §§ 1.47 and 1.17(i)) | \$ _____ |
| <input type="checkbox"/> For processing an application with a
specification in a non-English language
(\$130.00; 37 C.F.R. §§ 1.52(d) and 1.17(k)) | \$ _____ |
| <input type="checkbox"/> Processing and retention fee
(\$130.00; 37 C.F.R. §§ 1.53(d) and 1.21(l)) | \$ _____ |
| <input type="checkbox"/> Fee for international-type search report
(\$40.00; 37 C.F.R. § 1.21(e)) | \$ _____ |
| Total Fees Enclosed | \$ <u>800.00</u> |

14. **Method of Payment of Fees**

- ☐ Check in the amount of \$ _____.
- ☒ Charge Account No. **18-0013** in the amount of \$ 800.00.
- A duplicate of this transmittal is attached.

15. **Authorization to Charge Additional Fees**

- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. **18-0013**.
- ☒ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)
- ☒ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)
- ☒ 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☒ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a).
- ☒ 37 C.F.R. § 1.17 (application processing fees)
- ☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

16. **Instructions as to Overpayment**

- ☒ Credit Account No. **18-0013**.
- ☐ Refund.

Date: May 31, 2001

Reg. No. 36,018
Reg. No. 42,441

Tel. No.: (248) 594-0646

Customer No. 010291


SIGNATURE OF PRACTITIONER

Michael B. Stewart
William Cosnowski, Jr.
RADER, FISHMAN & GRAUER PLLC
39533 Woodward Avenue,
Suite 140
Bloomfield Hills, Michigan 48304

☒ **Incorporation by reference of added pages**

- ☒ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed
Number of pages added 03
- ☒ Plus Added Pages for Papers Referred to in Item 4 Above
Number of pages added 20
- ☐ Plus added pages deleting names of inventor(s) named on prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.
Number of pages added _____
- ☐ Plus "Assignment Cover Letter Accompanying New Application"
Number of pages added _____

- ☐ **Statement Where No Further Pages Added**
- ☐ This transmittal ends with this page.

R0114709

Patent

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF
PRIOR U.S. APPLICATION(S) CLAIMED**

17. Relate Back

☒ Amend the specification by inserting, before the first line, the following sentence:

A. 35 U.S.C. 120, 121 and 365(c)

"This application is a continuation of U.S. Patent Application number 09/401,674, filed September 22, 1999, and claims priority to U.S. Application No. 08/890,486, filed July 9, 1997, now issued U.S. Patent No. 6,016,404 and U.S. Provisional Application Nos. 60/021,487, filed July 10, 1996, and 60/029,046, filed October 29, 1996, which is herein incorporated by reference in its entirety and for all purposes".

☐ Where more than one reference is made above please combine all references into one sentence.

18. Relate Back—35 U.S.C. 119 Priority Claim for Prior Application

The prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 17B, in turn itself claim(s) foreign priority(ies) as follows:

Country	Appln. no.	Filed
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The certified copy(ies) has (have)

- ☐ been filed on _____, in prior application _____, which was filed on _____.
☐ is (are) attached.

19. Maintenance of Copendency of Prior Application

A. ☐ Extension of time in prior application

(This item must be completed and the papers filed in the prior application, if the period set in the prior application has run.)

- ☐ A petition, fee and response extends the term in the pending **prior** application until
☐ A **copy** of the petition filed in prior application is attached.

B. ☐ Conditional Petition for Extension of Time in Prior Application

(complete this item, if previous item not applicable)

- ☐ A conditional petition for extension of time is being filed in the pending **prior** application.
☐ A **copy** of the conditional petition filed in the prior application is attached.

20. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

(complete applicable item (a), (b) and/or (c) below)

- (a) ☐ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are
☐ the same.
☐ less than those named in the prior application. It is requested that the following inventor(s) identified for the prior application be deleted:

(type name(s) of inventor(s) to be deleted)

- (b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application, the inventor(s) in this application are
☐ the same.
☐ the following additional inventor(s) have been added:

(type name(s) of inventor(s) to be deleted)

- (c) ☐ The inventorship for all the claims in this application are
☐ the same.
☐ not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made
☐ is submitted.
☐ will be submitted.

21. Abandonment of Prior Application *(if applicable)*

- ☐ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

22. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

- ☐ There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File An Amendment (New Application Filed Concurrently)

23. Small Entity (37 CFR § 1.28(a))

☐ Applicant has established small entity status by the filing of a statement in parent application
_____ on _____.

☐ A copy of the statement previously filed is included.

24. NOTIFICATION IN PARENT APPLICATION OF THIS FILING

☒ A notification of the filing of this
(check one of the following)

- ☒ continuation
- ☐ continuation-in-part
- ☐ divisional

is being filed in the parent application, from which this application claims priority under 35 U.S.C. § 120.

R0114711

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **William M. Richardson**

Application No.: **09/401,674**

Group No.: **2662**

Filed: **September 22, 1999**

Examiner: **H. Nguyen**

For: **METHOD AND SYSTEM FOR COMPUTER NETWORK LINK WITH
UNDEFINED TERMINATION CONDITION**

**Box Issue Fee
Commissioner for Patents
Washington D.C. 20231**

NOTIFICATION OF FILING OF CONTINUATION APPLICATION

Notification is hereby being made of the filing of a:

- ☒ continuation
- ☐ continuation-in-part
- ☐ divisional
- ☐ continued prosecution

application for this case

- ☒ concurrently herewith.


Date: May 31, 2001

Reg. No. 36,018

Reg. No. 42,441

Tel. No.: (248) 594-0646

Customer No. 010291

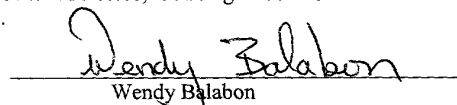

SIGNATURE OF PRACTITIONER
Michael B. Stewart
William Cosnowski, Jr.
RADER, FISHMAN & GRAUER PLLC
39533 Woodward Avenue,
Suite 140
Bloomfield Hills, Michigan 48304

R0114714

CERTIFICATION UNDER 37 C.F.R. § 1.10*

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service on this date **May 31, 2001** in an envelope as "Express Mail Post Office to Addressee," Mailing Label No. **EL 781400711US**, addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date: May 31, 2001


Wendy Balabon

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **William M. Richardson**

Application No.: **To Be Assigned** Group No.:
Filed: **Herewith** Examiner:

For: **METHOD AND SYSTEM FOR COMPUTER NETWORK LINK
WITH UNDEFINED TERMINATION CONDITION**

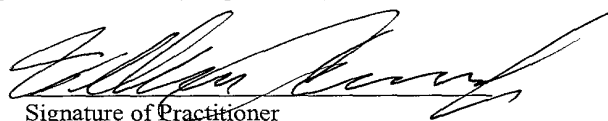
Commissioner for Patents
Washington, D. C. 20231

TRANSMITTAL OF FORMAL DRAWING(S)
PRIOR TO NOTICE OF ALLOWANCE

Attached please find the formal drawings for this application, eleven (11) pages, Figures 1A, 1B – 14.

Date: **May 31, 2001**

Reg. No.: 36,018
Reg. No.: 42,441
Tel. No.: 248-594-0646
Customer No.: 010291



Signature of Practitioner

Michael B. Stewart
William Cosnowski, Jr.
Rader, Fishman & Grauer PLLC
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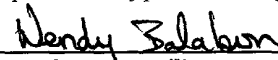
R0114740

CERTIFICATE OF MAILING (37 C.F.R. section 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as express mail no. **EL 781400711US** in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date: May 31, 2001

Wendy Balabon
(type or print name of person mailing paper)


Signature of person mailing paper

WARNING: "Facsimile transmissions are not permitted and if submitted will not be accorded a date of receipt" for "(4) Drawings submitted under sections 1.81, 1.83 through 1.85, 1.152, 1.165, 1.174, 1.437 . . ." 37 C.F.R. section 1.6(d)(4).

(Transmittal of Formal Drawings--page 1 of 2)